

MOSER LAW FIRM, P.C.



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June 9, 2020

**VIA ECF**

Hon. Joan M. Azrack, U.S.D.J.  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

RE: *Adkins v. Garda CL Atlantic, Inc.*, 16-cv-00641

Dear Judge Azrack:

I write to join with Ms. Griffith's request for a final one-week extension to submit a briefing schedule. However, I disagree with her representation that I forwarded to her a stipulation "for the first time" on June 8, 2020.

On Thursday, May 28, 2020 I sent an email to Ms. Griffith requesting her availability to confer. A telephone conference was scheduled for Friday, May 29, 2020. That conference was adjourned at Garda's request to Monday June 1, 2020.

On Monday, June 1, 2020 Ms. Griffith indicated that Garda would be stipulating that Mr. Rossi was a citizen of the state of Florida, and that no discovery would be necessary.

On Tuesday, June 2, 2020 I sent Ms. Griffith a stipulation consistent with our agreement of June 1, 2020.

On Thursday, June 4, 2020, as I had not yet received a signed stipulation from Ms. Griffith, and the parties were directed to submit same by June 5, 2020, I sent her a reminder email asking if the stipulation met with her approval.

On Friday, June 5, 2020 at 4:00 PM Ms. Griffith sent me an email indicating for the first time that she wanted a completely revised stipulation which provided for discovery.

At Ms. Griffith's suggestion, I filed a letter requesting an extension until Monday, June 8, 2020 to file the briefing schedule. Ms. Griffith also wanted to discuss the case over the weekend, which I was unable to do due to family obligations.

On Monday, June 8, 2020 at 2:22 PM I sent Ms. Griffith a revised stipulation as she had requested on Friday. I also followed up with a telephone call to Ms. Griffith and asked her to send me redlined changes to the stipulation.

On Monday, June 8 at 5:01 PM Ms. Griffith indicated for the first time that she would need an additional week to “discuss the discovery issue” and asked me to file a request for a one week extension. I indicated that I would prefer if she filed the request for the extension.

Garda’s extension request omits all of the efforts by Plaintiff’s counsel to meet the Court’s original deadline, omits Garda’s 11<sup>th</sup> hour change of tune, and mentions only that Plaintiff’s counsel submitted a stipulation “for the first time” on June 8, 2020.

I remain cautiously hopeful that the simple task of agreeing upon a briefing schedule can be completed by next Monday.

Respectfully submitted,

/s/

Steven J. Moser

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